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February 5, 2020

VIA ECF

Honorable Laura Taylor Swain
U.S. District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Adler v. Solar Power, Inc., et al.
Case No. 16-CV-01635 (LLS)(GWG)

Dear Judge Swain:

My office represents the corporate defendants (collectively, "SPI") in connection with the above matter. I submit this letter on behalf of SPI to request an adjournment of the Show Cause hearing scheduled for February 7, 2020. This is SPI's third request for an adjournment of the hearing.

Pursuant to the Order to Show Cause signed by the Court on October 25, 2019, SPI's Chairman of the Board, Xiaofeng Peng ("Peng"), is required to be in attendance at the hearing. However, because Peng has had limited involvement in this matter, and because he does not speak English fluently, SPI would like its in-house counsel Jamie Zhang ("Zhang") to also be present for the hearing. Notably, Zhang, who speaks English fluently, has been involved in this matter from the outset and has more relevant knowledge about the subject of the hearing than Peng. However, Zhang, resides and works in China and is unable to travel to the United States due to the recent travel restriction imposed as a result of the coronavirus outbreak in China.

SPI recognizes that in the Court's order dated January 8, 2020 (NYSCEF Doc. No. 195), the Court advised there would be no further adjournments of the hearing. However, due to the aforementioned unforeseen circumstances, SPI respectfully requests that the Court make an exception and grant an adjournment of the hearing.

To be transparent, SPI would also like to advise the Court that since January 8, 2020, SPI has not yet been able to make the full settlement payment agreed upon by the parties. At this time, SPI has paid 64% of the principal settlement amount (not including any accrued late payment penalties under the parties' settlement agreement). SPI anticipates making full payment, including any accrued late payment penalties, by March 2, 2020.

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For the foregoing reasons, SPI respectfully requests that the Court grant an adjournment of the hearing to any date after March 2, 2020 and after the travel restriction from China to the United States has been lifted.

SPI thanks the Court for its time and attention to this application.


Respectfully submitted,

Kuuku Minnah-Donkoh
Kuuku Minnah-Donkoh

cc: Roger Marion, Esq. (via ECF)

The request for adjournment of the hearing is denied.
Unless the parties stipulate otherwise, the hearing will
go forward on Friday 7 February 2020 at 11:00 AM in
Courtroom 17C. Mr Peng must be present and Defendants
must arrange for the services of a qualified interpreter
(contact the Court's Interpreter Unit immediately for
a recommendation). In-house counsel Zhang may participate
by telephone (contact the Courtroom Deputy at 212 805 0424
for dial-in information).

SO ORDERED:

 2/5/2020
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE